

STATE OF SOUTH CAROLINA
COUNTY OF LEE

IN THE COURT OF COMMON PLEAS

Ebony Glover, As Guardian ad Litem and
Biological Mother [REDACTED], A
Minor,

Civil Action No. 2019-CP-31-00072

AMENDED SUMMONS

(Jury Trial Demanded)

Plaintiff,

vs.

Bennett D. Williams, Dennis Kennedy, LLC
and Kennedy Brothers, Inc.,

Defendants.

TO THE DEFENDANTS ABOVE-NAMED:

YOU ARE HEREBY SUMMONED AND REQUIRED to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your ANSWER to the Complaint upon the undersigned to his office, 1700 Sunset Boulevard, P.O. Box 5709, West Columbia, South Carolina, 29171, within THIRTY (30) days after service, exclusive of the day of such service; and if you fail to answer the Complaint within the thirty days, judgment by default will be rendered against you for the relief demanded in the Complaint.

MOORE TAYLOR LAW FIRM, P.A.

By: s/Stanley L. Myers
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Attorney for Plaintiff

West Columbia, South Carolina
April 13, 2020.

STATE OF SOUTH CAROLINA)	
)	IN THE COURT OF COMMON PLEAS
COUNTY OF LEE)	
)	C.A. 2019-CP-31-00072
Ebony Glover, as Guardian ad Litem)	
and Biological Mother of)	
██████████, a Minor,)	
)	AMENDED COMPLAINT
Plaintiff,)	
)	(Jury Trial Demanded)
vs.)	
)	
Bennett D. Williams, Dennis Kennedy,)	
LLC and Kennedy Brothers, Inc.,)	
)	
Defendants.)	
_____)	

The Plaintiff Complains of the above-named Defendants as follows:

1. Ebony Glover is the biological mother and guardian ad litem of her minor child, ██████████. They are both residents and citizens of Richland County, South Carolina.
2. Upon information and belief, Defendant Bennett D. Williams is a resident and citizen of North Carolina. He is being sued in his individual capacity and as an agent of Defendant Dennis Kennedy, LLC.
3. The Defendant Dennis Kennedy, LLC is a Limited Liability Company. Upon information and belief, the Defendant Dennis Kennedy is a trucking company which transacts business in South Carolina. Defendant Dennis Kennedy is the owner/operator of the tractors that are in its fleet.
4. The Defendant Kennedy Brothers, Inc. is a corporation. Upon information and belief, Defendant Kennedy Brothers is a trucking company which transact business in South Carolina. Kennedy Brothers is the owner/operator of the tractors that are in its fleet.
5. This Court has jurisdiction over the parties and subject matter herein.

(Negligence as to Dennis Kennedy and Bennett D. Williams)

6. Venue is proper in this Court because the acts and/or omissions occurred in Lee County, South Carolina.

7. This action arises from injuries the minor child, [REDACTED], suffered as a result of a collision on April 2, 2018, while he was a front seat passenger in a vehicle operated by his grandfather, Samuel Pough, Jr. Mr Pough died as a result of the collision.

8. On April 2, 2018, Mr. Pough and [REDACTED] were traveling westbound on Interstate 20 in Lee County.

9. Both Mr. Pough and [REDACTED] were on their way to Maryland, which is where Mr. Pough was residing.

10. Mr. Pough unexpectedly collided with a freight truck owned by Defendant Dennis Kennedy, LLC and operated by William D. Bennett. Defendant Dennis Kennedy is liable for the acts and omissions of its members/agents pursuant to the doctrines of *respondeat superior* and vicarious liability.

11. Upon information and belief, the truck was disabled. Rather than pull to the right or left side of the highway, Defendant William D. Bennett parked in the entire left lane of I-20.

12. [REDACTED] was severely injured as a result of the collision.

13. Defendants owed to [REDACTED] a duty of care to act as a reasonable and prudent driver, and to obey all State and Federal laws related to the operation of a tractor trailer.

14. Defendants breached its duty of care and was negligent, grossly negligent, and/or reckless in one or more of the following particulars:

(a) In illegally parking his tractor trailer;

- (b) In failing to move the tractor trailer to the shoulder or side of the road so as not to obstruct traffic;
- (c) In failing to properly warn;
- (d) In violating and failing to follow established policies and procedures when a tractor trailer becomes disabled;
- (e) In failing to keep the proper lookout;
- (f) In hiring, training, supervising, retaining, and entrusting proper personnel;
- (g) In failing to obey statutory and common law;
- (h) In violating the provisions regarding traffic on a highway;
- (i) In failing to perform proper maintenance on the vehicle to ensure that it does not break down on a busy roadway;
- (j) In failing to use the necessary degree of caution and care then and there existing; and
- (k) In failing all other ways that may be discovered during the course of litigation.

All of which were a direct and proximate result of the damages complained of herein.

15. As a direct and proximate result of the Defendants' negligence, gross negligence and/or reckless conduct, [REDACTED] sustained serious bodily injury, past, present, and future medical bills, loss of use of enjoyment, pain and suffering, mental anguish, severe mental shock and suffering, emotional distress, embarrassment, harassment, and has been harmed all to his detriment.

16. Plaintiff is entitled to an award of actual and punitive damages.

(Negligence as to Defendant Kennedy Brothers, Inc.)

17. Plaintiff reasserts each and every paragraph above as if set forth herein verbatim.

18. The shareholders, members, and/or partners of Defendant Kennedy Brothers, Inc. have family ties with the members, shareholders, and/or partners of Dennis Kennedy, LLC. Based on that relationship, they oftentimes contract with one another to, among other things, service, maintain, conduct repair to their tractors.

19. According to Dennis Kennedy, the mechanic who works for Kennedy Brothers performed the maintenance and repair work on the tractor in which Bennett Williams was operating prior to and after the date of the collision.

20. Defendant Kennedy Brothers owed a duty of care to [REDACTED] and the public to ensure that all vehicles were properly serviced and maintained prior to and during operation on the interstate highways.

21. Defendant Kennedy Brothers breached its duty of care and was negligent, grossly negligent, and/or reckless in one or more of the following particulars:

- a. In failing to perform proper maintenance;
- b. In failing to inspect;
- c. In failing to supervise;
- d. In failing to employ competent personnel;
- e. In failing to notify;
- f. In failing to follow the rules, regulations and policies for servicing tractor trailers;
- g. In failing to train employees;
- h. In failing to exercise the necessary degree of caution under the circumstances; and

- i. In failing all other ways that may be discovered during the course of litigation.

All of which were a direct and proximate cause of the damages complained of herein.

22. As a direct and proximate result of the Defendant's negligence, gross negligence and/or reckless conduct, [REDACTED] was injured as alleged above.

23. Plaintiff is entitled to actual and punitive damages.

WHEREFORE, having fully complained of the Defendants' conduct herein, the Plaintiff prays for judgement against the Defendants for actual and punitive damages, costs associated with litigating this action, and for such other and further relief as this Court might deem just and proper.

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